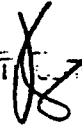


CLERK OF COURT
SUPERIOR COURT
FILED

200 MAR 13 PM 4:27

BY 
DEPUTY CLERK OF COURT

IN THE SUPERIOR COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

JUYEL AHMED,

Applicant,

vs.

MAJOR IGNACIO CELIS, Supervisor,
Department of Labor and Immigration
Detention Center, COMMONWEALTH
OF THE NORTHERN MARIANA
ISLANDS and CNMI DEPARTMENT
OF LABOR AND IMMIGRATION,

Respondents.

Special Proceeding No. 00-0101A

ERRATA

The court hereby amends its Order of March 8, 2000, granting the application for writ of habeas corpus with conditions, to reflect that Bruce Berline and not Bruce Jorgensen appeared for the Applicant in this proceeding.

So ORDERED this 13 day of March, 2000.


TIMOTHY H. BEDLAS, Associate Judge

EXHIBIT "E-1"

Jan-08-2002 15:03

From-US DISTRICT COURT, NMI

+16702362910

T-33 P 001/009 F-287

FILED
Clerk
District Court

JAN 04 2002

For The Northern Mariana Islands
By [Signature]
(Deputy Clerk)

Andrew Clayton
Office of the Attorney General
Commonwealth of the Northern Mariana Islands
Civil Division--Capitol Hill
Second Floor, Hon. Juan Atalig Sablan Memorial Bldg.
Saipan, MP 96950
Telephone: (670) 664-2341
Fax: (670) 664-2349

Attorney for Defendant, Commonwealth of the
Northern Mariana Islands

UNITED STATES DISTRICT COURT
DISTRICT OF THE NORTHERN MARIANA ISLANDS

JUYEL AHMED, et al.,

Plaintiffs,

vs.

ROBERT GOLDBERG, in his personal
capacity, UNITED STATES OF
AMERICA, COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS, and
DOES 1-25,

Defendants.

Civil Action No. 00-0005

DEFENDANT COMMONWEALTH'S
RESPONSE TO ORDER DIRECTING IT
TO PROVIDE MATERIALS TO THE
COURT

RUI LIANG, et al.,

Plaintiffs,

vs.

ROBERT GOLDBERG, in his personal
capacity, UNITED STATES OF
AMERICA, COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS, and
DOES 1-25,

Defendants.

ORIGINAL

150

Exhibit "G-1"

Jan-08-2002 15:03

From-US DISTRICT COURT, NMI

+16702362910

T-133 P 002/008 F-297

1 DEFENDANT, Commonwealth of the Northern Mariana Islands, hereby responds to the
2 Court's Order Directing Defendant Commonwealth to Provide Materials to the Court issued on
3 December 27, 2001.

4 Defendant wishes to inform the Court that the Court's Order of October 26, 2001 granted in
5 part Defendant's Motion to Dismiss and held in abeyance the filing of a Fourth Amended Complaint.
6 Defendant, Commonwealth of the Northern Mariana Islands, has no motion filed on its behalf or
7 against it, currently pending before the Court. Defendant is aware that the only pending motion
8 before the Court is Defendant, United States of America's, Motion to Dismiss. Defendant
9 respectfully requests that if the information provided in this response necessitates some action by
10 Defendant, Commonwealth of the Northern Mariana Islands, that it be allowed to address that
11 question at a later date.
12

13 In compliance with the Court's Order, Defendant provides the following response to each
14 order for provision of materials.
15

16 Defendant, Commonwealth of the Northern Mariana Islands, is not providing copies to other
17 parties. The Court's December 27, 2001 Order states that Defendant Commonwealth should provide
18 these documents to the Court and does not state that other parties should be given these documents.
19 Defendant notes that no discovery has occurred in this matter to date. Defendant, therefore, has
20 provided only the Court with these materials.
21

22
23 I. Any and all manuals, directives, or other documents setting forth the DOLI procedure and
24 practice governing asylum requests.
25
26

Jan-08-2002 15:03

From-US DISTRICT COURT, NMI

+16702362310

T-133 P 003/006 F-287

1 Answer to Request # 1.

2 Please see May 15, 1998 letter from Doris Meissner, Commissioner, United States
3 Department of Justice, Immigration and Naturalization Service to Pedro P. Tenorio, Governor of the
4 Commonwealth of the Northern Mariana Islands, attached as Exhibit A.

5 Please see Declaration of Mark D. Zachares, Secretary of the Department of Labor and
6 Immigration, Commonwealth of the Northern Mariana Islands.

7 Otherwise, none.
8

9
10 2. Any and all published rules, regulations, or procedures relating to the administrative
11 processing of asylum requests.

12 Answer to Request # 2. Same as Answer to Request #1.
13

14
15 3. Any and all published rules, regulations, or procedures governing asylum hearing and
16 appeals taken therefrom.

17 Answer to Request # 3. Same as Answer to Request #1.
18

19 4. Any and all published rules, regulations, or procedures relating to burdens of proof,
20 preservation of the record of the proceeding, and standards of review used by DOLI in adjudication
21 of asylum requests.
22

23 Answer to Request # 4. Same as Answer to Request #1.
24
25
26

Jan-08-2002 15:03

From-US DISTRICT COURT, NMI

+16702362910

T-133 P.004/009 F-297

1 5. Any and all published rules, regulations, or procedures governing appointment of counsel
2 for indigent asylum seekers.

3 Answer to Request # 5. Same as Answer to Request #1.
4

5 6. Any and all published rules, regulations, or procedures outlining the provisions in place to
6 insure sufficient independence between the adjudication officers and DOLI.
7

8 Answer to Request # 6 Same as Answer to Request #1.
9

10 7. Any and all published rules, regulations, or procedures regarding post-disposition
11 notification of the United States Government, or referral of, asylum claims brought under the United
12 Nations' Torture Convention or other asylum-related treaties to which the United States is a
13 signatory and to which the Commonwealth of the Northern Mariana Islands must therefore adhere.
14

15 Answer to Request # 7. Same as Answer to Request #1.
16

17 Date: 1/4/02

Respectfully Submitted,

18 
19

20 Andrew Clayton
21 Attorney for Defendant, CNMI
22
23
24
25
26

Jan-08-2002 15:04

From-US DISTRICT COURT, NMI

+16702362910

T-133 P 003/008 F-297

**UNITED STATES DISTRICT COURT
DISTRICT OF THE NORTHERN MARIANA ISLANDS**

JUYEL AHMED, et al.,

Civil Action No. 00-0005

Plaintiffs,

**DECLARATION OF MARK D.
ZACHARES**

vs.

**ROBERT GOLDBERG, in his personal
capacity, UNITED STATES OF
AMERICA, COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS, and
DOES 1-25,**

Defendants.

RUI LIANG, et al.,

Plaintiffs,

vs.

**ROBERT GOLDBERG, in his personal
capacity, UNITED STATES OF
AMERICA, COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS, and
DOES 1-25,**

Defendants.

I, Mark D. Zachares, hereby declare as follows:

1. That all matters of fact stated herein are based upon my personal knowledge and belief.

The facts stated herein are true and I am competent to testify to the same and if called upon to testify,
my testimony would be as stated herein.

ORIGINAL

EXHIBIT "H-1"

Jan-08-2002 15:04

From-US DISTRICT COURT, NMI

+16702962910

T-133 P 006/009 F-297

1 2. I am the Secretary of the Department of Labor and Immigration for the Commonwealth of
2 the Northern Mariana Islands.

3 3. As Secretary of the Department of Labor and Immigration, I am the highest ranking
4 Commonwealth government official who deals with the immigration matters on a day-to-day basis.

5 4. I was confirmed as the Secretary of the Department of Labor and Immigration in May
6 1998, by the Senate Review Committee of the Commonwealth Legislature for Cabinet level
7 appointments.
8

9 5. During my tenure as the Secretary of the Department of Labor and Immigration, the
10 Commonwealth of the Northern Mariana Islands has not promulgated any rules, regulations or
11 written guidelines regarding how to evaluate asylum requests or how to process asylum applications.
12

13 6. The Department of Labor and Immigration has not and was not required to promulgate
14 any rules, regulations or written guidelines regarding asylum requests because asylum requests are the
15 province of the United States Government. This conclusion was drawn because of a letter from Doris
16 Meissner, Commissioner, United States Department of Justice, Immigration and Naturalization
17 Service to Pedro P. Tenorio, Governor of the Commonwealth of the Northern Mariana Islands which
18 was dated May 15, 1998 (see Exhibit A).
19

20 7. Commissioner Meissner's letter notes her serious concern for two deportees who had filed
21 with the United Nations High Commissioner on Refugees ("UNHCR"). Ms. Meissner stated that the
22 "deportation of these individuals and others similarly situated in the CNMI puts the United States at
23 risk of violating international law."
24

25 8. Commission Meissner stated that the necessity of the Commonwealth staying deportation
26

Jan-08-2002 15:04

From-US DISTRICT COURT, NMI

+16702362810

T-133 P 007/006 F-297

1 cases of any individual identified by the UNHCR or the United States Government until the refugee's
2 status had been resolved. Finally, Ms. Meissner demanded "the CNMI must provide the UNHCR and
3 appropriate Department of Justice officials with access to these individuals in order to assess whether
4 their removal would be permitted under international law."

5 9. Following receipt of this letter, the Commonwealth Department of Labor and Immigration
6 acceded to the demand to allow United States Department of Justice officials with access to any
7 individuals who had filed asylum claims with them in order to assess their asylum claims.
8

9 10. The Commonwealth followed the policy set forth in the May 15, 1998 letter regarding the
10 approximately 700 Chinese citizens who were interdicted by the United States Coast Guard in
11 international waters and then sent to Tinian in 1999. These people were excludable under CNMI
12 immigration law (3 CMC § 4340(i)), but were allowed to stay in Tinian until the Department of
13 Justice concluded its assessment of their eligibility for asylum. The Commonwealth Department of
14 Labor and Immigration did not conduct any interviews or make any assessments regarding asylum.
15
16

17 I, declare that the foregoing is true and correct and that this declaration was made on Saipan,
18 CNMI on this 4th day of January, 2002.

19
20
21 
22 Mark D. Zachares
23
24
25
26

JAN-08-2002 10:03

FROM-US DISTRICT COURT, NMI

T1010200010

17:00

F 000/000

F 001



U.S. Department of Justice

Immigration and Naturalization Service

T- 202 - 514 - 2895

F - 202 - 514 - 0455/8044

HQCOU 120730

Office of the Commissioner

425 Eye Street N.W.

Washington, D.C. 20536

MAY 15 1998

The Honorable Pedro P. Tenorio
Governor of the Commonwealth
of the Northern Mariana Islands
Saipan, MP 96950

Dear Governor Tenorio:

I am writing to you to express my serious concern regarding the recent deportation of two Sri Lankan nationals from the Commonwealth of Northern Mariana Islands (CNMI) to their home country of Sri Lanka. I have been informed by the United Nations High Commissioner on Refugees (UNHCR) that, prior to their deportation, these individuals had contacted the UNHCR, requesting that they be able to present claims for refugee protection. Because of their expressed fear of persecution in Sri Lanka, the UNHCR wished to gain access to these individuals prior to their deportation to assess their claims. Although CNMI officials were aware of UNHCR's efforts, the CNMI nevertheless removed these persons from the CNMI for deportation to Sri Lanka before the UNHCR was given an opportunity to assess their claims.

As you were informed by Allen Stayman, the Director of the Office of Insular Affairs at the Department of Interior, the United States, as a party and signatory to the 1967 Protocol Relating to the Status of Refugees, is generally prohibited from returning a refugee to a country where his or her life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group or political opinion. This international treaty obligation extends to the territories and possessions of the United States, including the CNMI. The deportation of these individuals and others similarly situated in the CNMI puts the United States at risk of violating international law.

It is essential that the CNMI stay the deportation of any individual identified by the UNHCR or by the United States Government as a potential refugee until appropriate resolution of that individual's claim to refugee status. Moreover, the CNMI must provide the UNHCR and appropriate Department of Justice officials with access to these individuals in order to assess whether their removal would be permitted under international law.

Rec 5/18/98
5/18/98
5/18/98
5/18/98
5/18/98

EXHIBIT "I-1"

Jan-08-2002 15:05

From-US DISTRICT COURT, NMI

+16702362910

T-133 P 003/009 F-297

The Honorable Pedro P. Tenorio
Page 2

The Department of Justice is interested in working with you, the Office of Insular Affairs, the State Department, and the UNHCR, to develop a process for identifying potential refugees and assessing their claims prior to deportation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Doris Meissner". The signature is fluid and cursive, with the first name "Doris" written in a larger, more prominent script than the last name "Meissner".

Doris Meissner
Commissioner

U.S. Department of Justice
Immigration and Naturalization Service

Registration for Classification as Refugee

OMB NO. 1545-0047

Type or print the following information. (Read instructions on reverse)

A File No.: _____

Name (First) (Middle) (Last)
Zhen Wen Zhu

Present address: _____

Date of birth: (month/day/year) 08/13/1958
Place of birth: (city or town) Fuzhou (Province) Fujian (Country) China
Present nationality: Chinese

Country from which I fled or was displaced: China
On or about (month/day/year):

Reasons (State in detail):
a laborer of Rota Island.

My present immigration status in _____ is: _____
(country in which residing)

Evidence of my immigration status is: _____
no. _____

(Describe) didn't have entry permit, reason is transferred company, boss didn't give me

Name of spouse Xu, Yim Zhen
8. Present address of spouse (if different) Fuzhou City Fujian Province
9. Nationality of spouse: Chinese

My spouse ☐ will ☒ will not accompany me to the United States.

Name of child (ren)	Date of birth	Place of birth	Present address (if different)
Zhu, Kai	02/84	Fuzhou City Fujian Province	Fuzhou city

Place a mark (x) in front of name of each child who will accompany you to the United States.

Schooling or education senior high school

Name and location of school	Type	Dates attended	Title of degree or diploma
Fujian elementary school	elementary school	65-70	graduate
Fuzhou City	junior high school	71-73	
	senior high school	73-76	

Military service

Country	Branch and organization	Dates	Serial No.	Rank attained
China	No	No	No	No

EXHIBIT - 1

Political, professional or social organizations of _____ I am now or have been a member or with which I am now or have been associated _____
 birth day (If you have never been a member of any organization, state "None.") _____

None

☐ have ☒ have not been charged with a violation of law. (If you have ever been charged with a violation of law, give date, place and nature of each charge and the final result.) _____

☐ have ☒ have not been in the United States. (If you have ever been in the United States, show the dates of entry and departure and the purpose of your entry (visitor, permanent resident, student, seaman, etc.). _____

File or Alien Registration Number: _____

I have the following close relatives in the United States:

Name	Relationship	Present address
<u>No</u>	<u>No</u>	<u>No</u>

I am being sponsored by (Name and address of United States sponsor): _____

Signature of registrant: _____

Zhen Wen

DO NOT WRITE BELOW THIS LINE

I, _____, do swear (affirm) that I know the contents of this registration subscribed by me including the attached documents, that the same are true to the best of my knowledge, and that corrections numbered () to () were made by me or at my request, and that this registration was signed by me with my full, true name:

 (Complete and true signature of registrant)

Subscribed and sworn to before me by the above-named registrant at _____ on _____

(month/day/year)

 (Signature and title of officer)

INTERVIEW

DATE

AT

 Immigration Officer

APPROVED

DATE

 Officer in Charge

INSTRUCTIONS

This form should be executed, signed and submitted to the Officer in Charge of the nearest overseas office of the United States Immigration and Naturalization Service. When your name has been reached as a registrant you will be furnished additional instructions.

Registration - A separate Registration Form must be executed by each registrant and submitted in one copy. A Registration Form in behalf of a child under 14 years of age shall be executed by the parent or guardian.

Public reporting burden for this collection of information is estimated to average 35 minutes per response. If you have comments regarding the accuracy of this estimate or suggestions for simplifying this form, you can write to both the U.S. Department of Justice, Immigration and Naturalization Service Policy Directives and Instructions Branch (HQPDIB), Washington, D.C. 20536 and to the Office of Management and Budget, Paperwork Reduction Project: OMB No. 1115-0057, Washington, D.C. 20503.

*The Law Offices of:
Joseph Aldan Arriola
Attorney at Law*

PMB 678 PPP, Box 10000
Saipan, MP 96950-8900
Phone: (670) 233-5501/02
Fax: (670) 233-5503



E-mail: jurists@usa.net

Edward C. Arriola - Of Counsel

January 23, 2002

Certified mail #

Officer-In-Charge
U.S. Department of Justice
Immigration and naturalization Office
Horiguchi Building, Third Floor
Garapan Village
Saipan, MP 96950
via hand-delivery and
via certified mail/return receipt

CM# 7001 2510 0006 7356 1826

*Gave to Tony 1/29/02 to hand Deliv.
with our copy -
Certified mail #*

Donald Radcliffe, District Director
Mary Osaka, Esq., District Counsel
U.S. Department of Justice
Immigration and Naturalization Officer
595 Ala Mona Boulevard
Honolulu, HI 96313
via certified mail/return receipt

7001 2510 0006 7356 1819

District Director
U.S. Department of Justice
Immigration and Naturalization Services
American Embassy (Bangkok)
Box 12
APO AP 96546-0001
via international mail/return receipt

*Mailed out 1/29/02
rec'd by: ELIZABETH VILLANUEVA
CO. Pacific Postal
plus*

Office-in-Charge
U.S. Department of Justice
Immigration and Naturalization Services
American Embassy (Manila)
APO AP 96440
via international mail/return receipt

*mailed out 1/29/02
rec'd by: ELIZABETH VILLANUEVA
CO.*

Ramona V. Manglona, Esq.
Acting Attorney General
Commonwealth of the Northern Mariana Islands
Capitol Hill
Saipan, MP 96950
via facsimile: (670) 664-2349

*1/28/2002 - final doc
Faxed*

Exhibit K-1

Officer-in-Charge
January 24, 2002 (CNMI)
Page Two

Re: Zhu, Zhen Wen., v. Office of the Attorney General and Division of Immigration
Services., Civil Action No. 01-0126B,
U.S. District Court for the Northern Mariana Islands

INS Form I-590 Applicant:

1. Zhu, Zhen Wen

Applicants' Locale: Commonwealth of the Northern
Mariana Islands

Dear All:

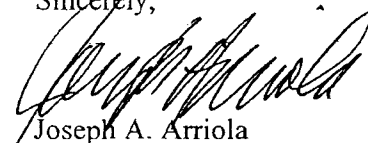
Enclosed, for processing by United States Immigration and Naturalization Service ("INS") officials, is an INS Form I-590 applicant being submitted on behalf of Mr. Zhu, Zhen Wen.

This brings to one (1) the total number of Form I-590 applicant now being represented in civil action nos. 01-0612B.

By transmittal of this letter, please be advised that the applicant also request, from the Federal and CNMI governments, protection from refoulement and from danger (in his respective home country) of being subjected to severe pain or suffering (physical/mental) being inflicted on them, respectively, for such purposes as punishment for various acts he or third persons have committed, or is suspected of having committed, or for reasons based on discrimination of any kind. This request is made pursuant to the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, G.A.O.R. A/39/506 (1984) 23 I.L.M. 1027 (1984) (modified in 24 I.L.M. 535 (1985)), s. Treaty Doc. No. 110-20, 100th Cong. 2d Sess. 7 (1988) (reprinting Convention), Art. 1-3.

Please contact me at your earliest convenience if you have any questions or comments pertaining to any of the matters addressed in this letter, or any related matter. Thank you for your anticipated assistance.

Sincerely,



Joseph A. Arriola
Attorney At Law

Encl. Completed Form I-590 application (Shu, Zhen Wen)

U.S. Postal Service
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Domestic Mail Only; No Insurance Coverage Provided

Postage \$
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$ 2.44

Sent To
Donald Radcliffe, District Director
Street, Apt. No.: Mary Osaka, Esq. District Counsel
or PO Box No. U.S. Dept. of Justice, INO
City, State, ZIP+4
595 Ala Mena Boulevard HI 96913

SAIPAN MP
JAN 30 2002

928T 956L 9000 0T52 1002

U.S. Postal Service
CERTIFIED MAIL RECEIPT
Domestic Mail Only; No Insurance Coverage Provided

Postage \$
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$ 2.44

Sent To
Officer-In-Charge, U.S. Dept. of Justice
Street, Apt. No.: Immigration & Naturalization Service
or PO Box No. Horiguchi Building
City, State, ZIP+4
Garapan Village Saipan, MP 96952

SAIPAN MP
JAN 30 2002

6T8T 956L 9000 0T52 1002

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2750

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01.29.02

Zhu Zhen

WEN-

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1 7.26*

5 7.50*

14.76

20.00*

5.24*

2749

15.05

01.29.02

PACIFIC POSTAL PLUS

234-8438 or 234-5825 Fax: 234-5545

Box 10000

Saipan, MP 96950.

1
2 **RECEIVED**
3 *6/13/02*
4 *SN*

5
6
7 **IN THE SUPERIOR COURT**
8 **OF THE**
9 **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

10 OFFICE OF THE ATTORNEY GENERAL and
11 DIVISION OF IMMIGRATION SERVICES,

12 Petitioners,

13 vs.

14 ZHU, ZHEN WEN,

15 Respondent.

CIVIL ACTION NO. 01-0612B

ORDER

16
17 This deportation hearing was set to be heard on Thursday, February 7, 2002 at 1:30 p.m. at the
18 Commonwealth Superior Court. The Petitioners were represented by Assistant Attorney General Terence
19 J. Denigan. The Respondent was present in Court represented by Joseph A. Arriola, Esq. Petitioners
20 were prepared to proceed with deportation. Respondent's Counsel requested a continuance.

21 On November 29, 2001, Respondent's request for continuance was granted until January 24,
22 2002. On this new hearing date, counsel for the Respondent advised the Court that he had filed with the
23 U.S Immigration and Naturalization Service a form I-590 "Request for Asylum" and served a copy on
24 Counsel for the Petitioners. Counsel for both parties requested the Court, that in light of this
25 development, the deportation hearing be stayed indefinitely until placed back on the Court's calendar
26 by Counsel.

27
28 **FOR PUBLICATION**

1 Subsequently, The Petitioners requested that the matter be placed on calendar, and the C
2 granting the request, scheduled the matter for February 7, 2002. During the February 7th hearing Cou
3 for Respondent referred to Respondent's Application for Asylum and that the stay of the proceed
4 should remain. The Court in denying the request for a continuance of the stay expressed it's concern
5 to the authority, if any, under which the Court can grant such a stay.

6 The Court stated that there has been nothing presented to the Court showing that the Uni
7 States Treaty, regarding Asylum is applicable to the CNMI. Even if it is applicable to the CNMI,
8 Court would require an additional showing by counsel that such applicability mandates this Court
9 halt or stay it's proceedings pending an Asylum determination.

10 The Court, therefore, removed said stay and allowed Respondent a one week continuance un
11 February 14, 2002 at 1:30 p.m. in Courtroom 223A, at which time the deportation hearing shall
12 heard.

13
14 SO ORDERED this 11 day of February, 2002.

15
16 
17 DAVID A. WISEMAN, Associate Judge
18
19
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27
28



Marianas Variety

News & Views

Micronesia's Leading Newspaper Since 1972

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AG: Asylum treaty applies to NMII



Robert T. Torres

By Ulysses Torres Sabuco
Variety News Staff

ACTING Attorney General Robert T. Torres says the asylum treaty signed by the U.S. applies to the CNMI.

In a press conference yesterday, Torres said "the U.N. Convention on Refugees is an international treaty to which the United States is a signatory and is incorporated under Section 104 of the (islands') Covenant (with America)."

However, even if the asylum treaty applies here, an application for asylum does not guarantee that an applicant will be granted asylum, Torres said.

He said foreigners and non-resident workers should not be easily "lured" by certain individuals. An asylum application is entirely different from work authorization, Torres said.

"The Chinese community and (other) non-resident workers should be cautioned against un-

scrupulous and opportunistic persons who will try to seize and take advantage of the lure of permanent residency," he said.

To process asylum applications, the CNMI and U.S. governments have to work together, Torres said.

To qualify for asylum, it should be established that an applicant has a well-founded fear of persecution on account of political opinion, status, race or gender, he said.

This issue surfaced after attorney Bruce Jorgensen disclosed

the existence of a May 1998 letter from the U.S. Immigration and Naturalization Service, which stated that the international asylum treaty signed by the U.S. also applies to the commonwealth.

The CNMI currently hosts over 15,000 workers from China whose repressive government had compelled many of its citizens to seek asylum when they were abroad.

Continued on page 2

Continued from page 1

Between April to June 1999, over 500 illegal migrants from China were apprehended on separate occasions as they were trying to sneak into Guam. Of this number, some 400 were flown back to China in separate batches while over 100 were allowed to stay in the U.S. to seek asylum.

During this period, certain CNMI officials said aliens could not seek asylum here because "we're exempted from federal immigration law."

No one mentioned anything about the INS letter.

Jorgensen recently threatened to sue Department of Labor and Immigration officials for allegedly hiding the INS letter for the past four



Terence J. Denigan; Asst. Attorney General
OFFICE OF THE ATTORNEY GENERAL
Commonwealth of the Northern Mariana Islands
Civil Division -- Capitol Hill
Second Floor, Administration Building
Saipan, MP 96950
Telephone: (670) 664-2000
Fax: (670) 664-3175

ag

Counsel for Petitioners

SUPERIOR COURT OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

OFFICE OF THE ATTORNEY
GENERAL and DIVISION OF
IMMIGRATION SERVICES,

Petitioners,

v.

ZHU, ZHEN WEN,

Respondent.

Civil Action No. 01-0612B

**NOTICE TO REINSTATE
DEPORTATION CASE AND PUT
CASE BACK ON-CALENDAR**

Judge: David A. Wiseman
Court: Room 223

Petitioners (the Commonwealth) respectfully ask this Court to put this deportation case back on-calendar forthwith.

This deportation hearing was last scheduled and heard on Thursday, January 24, 2002 at 1:30 PM at the Commonwealth Superior Court, Room 223. The Petitioners were represented by Assistant Attorney General Harold Pickering. The Respondent was present in Court represented by Mr. Joseph Arriola.



At this hearing, counsel for Respondent presented to Petitioner and the Court his application for asylum (INS Form I-590). Neither the Court nor Petitioner had any prior notice of Respondent's application or intention to submit such an application.

The Court and the parties agreed to take the case off-calendar until such time as it be re-calendared by counsel for disposition. The O.S.C. for deportation was taken off-calendar on January 24, 2002 by agreement amongst the parties, subject to being put "back on the Court's calendar by counsel." Respondent was reminded that he has no right to work pending the outcome of his deportation case.

The Commonwealth, after further review of Respondent's claim and the facts of his case, now respectfully ask this Court to put the case back on-calendar forthwith for disposition of the Superior Court deportation hearing.

The case hereby is scheduled for deportation hearing on Thursday,

FEB 1 2002, 2002 at 1:30 PM, Room 223.

SO ORDERED.

Entered this 1 day of February, 2002

Original Signed By:

David A. Wiseman

Hon. Judge David A. Wiseman

Rec'd 3/7/02 SW
HD by Reyes

CLERK OF COURT
U.S. DISTRICT COURT
SAIPAN, MP

Terence J. Denigan; Asst. Attorney General
OFFICE OF THE ATTORNEY GENERAL
Commonwealth of the Northern Mariana Islands
Civil Division -- Capitol Hill
Second Floor, Administration Building
Saipan, MP 96950
Telephone: (670) 664-2000
Fax: (670) 664-3175

FEB 20 PM 4:22

FILED

Counsel for Petitioners

SUPERIOR COURT OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

OFFICE OF THE ATTORNEY
GENERAL and DIVISION OF
IMMIGRATION SERVICES,

Civil Action No. 01-0612B

Petitioners,

BAIL EXONERATION ORDER

v.

ZHU, ZHEN WEN,

Respondent.

Respondent was ordered deported by this Court on Thursday February 14, 2002 at
1:30 PM at the Commonwealth Superior Court Room 223.

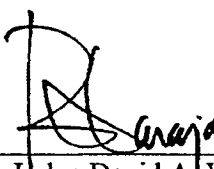
Respondent posted the \$5,000 cash bail prior to this deportation hearing

Petitioners ask that bail be exonerated to the payee of bail for Respondent
immediately, upon showing proof of payment made (copy of receipt), so that deportation
can be effected as soon as possible thereafter.

P-1

SO ORDERED.

Entered this 26th day of February 2002


for: Hon. Judge David A. Wiseman

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN MARIANA ISLANDS

Juyel AHMED, et al.,)	CIVIL ACTION NO. 00-0005
)	
Plaintiffs,)	Garapan, Saipan
)	
vs.)	Thursday, April 18, 2002
)	
MARK D. ZACHARES, in his)	
personal capacity, UNITED)	
STATES OF AMERICA,)	
COMMONWEALTH OF THE)	
NORTHERN MARIANA ISLANDS,)	REPORTER'S PARTIAL TRANSCRIPT
and DOES 1-25,)	ON DEFENDANT CNMI'S MOTION TO
)	DISMISS FOURTH AMENDED COMPLAINT
Defendants.)	

BEFORE THE HONORABLE ALEX R. MUNSON
CHIEF JUDGE, UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

FILED
Clerk
District Court

APPEARANCES:

For Plaintiffs : Bruce L. Jorgensen, Esq. For The Northern Mariana Islands
% Unit D-5, Miller's Estates
Capitol Hill
Saipan, MP 96950
(670) 233-5501/2 (Telephone)
(670) 233-5503 (Facsimile)
(680) 488-4686 (tel/fax)

For Defendant CNMI: Andrew Clayton and Karen Klaver
Assistant Attorneys General
CNMI Government
Civil Division - Capitol Hill
2nd Flr., Hon. Juan A. Sablan Memorial Bldg.
Saipan, MP 96950
Telephone: (670) 664-2341
Facsimile: (670) 664-2349

SANAE N. SHMULL
Official Court Reporter
P. O. BOX 5128 CHRB
SAIPAN, MP 96950-5128

For Defendant USA: Gregory Baka
Assistant United States Attorney
MARIANAS DISTRICT
Horiguchi Building, Third Floor
P. O. Box 500377
Saipan, MP 96950
Telephone: (670) 236-?????
Facsimile: (670) 236-?????

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SANAE N. SHMULL
Official Court Reporter
P. O. BOX 5128 CHRB
SAIPAN, MP 96950-5128

GARAPAN, SAIPAN, THURSDAY, APRIL 18, 2002 - 9:00 A.M.

-o0o-

MR. CLAYTON: Your Honor, I'll try to do it briefly since the court has obviously read all the papers. The operative question, from reading the April 11, 2002 order from the court, is a question of whether a government entity should be treated the same as an individual. In the court's order on page 6 in the footnote, it says: "The court believes that its assessment of bad faith, prejudice, and undue delay may properly be different in the context of a single individual defendant than it might be, for example, in the case of a corporation, group, or governmental entity. The Commonwealth is a governmental entity, so it seems that the court has stated that it may be a different analysis.

The CNMI is before you today hoping that you will rule that it should be dealt with the same as an individual. And I'd like to explain why. The prejudice which has occurred to the individual defendant, which the court sets forth on page 6 and 7 of the April 11th order, we believe it's the same for the Commonwealth. The Commonwealth has, we believe, been harassed and embarrassed by all this case, and we'd like to move forward on this case. But as long as this case continues in its current posture, that's impossible.

1 THE COURT: Well, I would agree with you that the Commonwealth
2 has been embarrassed by this case. The United States or the
3 Commonwealth has a duty to either promulgate some rules that are
4 consistent with the international treaties that the United States
5 is a signatory of. And both of them can't sit on the side lines
6 pointing the fingers at each other. So, yes, the Commonwealth has
7 been embarrassed by this case. But I don't think it's because of
8 the procedural posture of this case.
9

10 MR. CLAYTON: Well, respectfully, Your Honor, we would differ.
11 We believe that there has been prejudice to the Commonwealth.
12

13 THE COURT: I didn't say that there wasn't prejudice. I said
14 that they've been embarrassed by it. I used your words.
15

16 MR. CLAYTON: Well, Your Honor, it appears that as long as this
17 case continues in its current posture with amended, with a Fourth
18 Amended Complaint and potentially a Fifth Amended Complaint, and
19 who knows, maybe a sixth, I don't know, we're never going to move
20 and figure, forward in this matter and figure out who's
21 responsible, whether it be the CNMI or the United States. And
22 that, as it currently stands, this case is --

23 THE COURT: Well, but, but to grant your motion to dismiss it,
24 we never would find out, would we?

25 MR. CLAYTON: I would respectfully disagree, Your Honor, as

1 COMMONWEALTH OF THE)
2 NORTHERN MARIANA ISLANDS) ss.
3 SAIPAN, MP)
4 _____)

5 I, SANAE N. SHMULL, an Official Court Reporter for the
6 United States District Court for the Northern Mariana Islands, do
7 hereby certify:

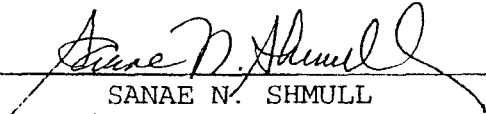
8 That the foregoing partial transcript of Defendant CNMI's
9 Motion to Dismiss Fourth Amendment Complaint, Civil Action No. 00-
10 0005, *Juyel Ahmed, et al. v. CNMI, et al.*, was heard Thursday,
11 April 18, 2002.

12 That the following proceeding, consisting of 5 pages, was
13 taken down stenographically with a back up tape recording device at
14 the time and place indicated herein.

15 That the foregoing transcript is a true and correct
16 record of the proceeding, transcribed by me, the undersigned, to
17 the best of my ability.

18 I further certify that I am not interested in the events
19 of the action.

20 IN WITNESS WHEREOF, I have subscribed my name and
21 signature this 26th day of April, 2002.

22
23
24
25

SANAE N. SHMULL
Official Court Reporter

COPY

United States District Court

District of the Northern Mariana Islands

UNITED STATES OF AMERICA

v.

AKM ALAMGIR KASEM

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 1:96CR00037-001

V.K. Sawhney, Esq. (Court Appointed)

Defendant's Attorney

Original Filed
on this date

JUN 26 1997

THE DEFENDANT:

- ☐ pleaded guilty to count(s) _____
- ☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.
- ☒ was found guilty on count(s) I and II
after a plea of not guilty.

Article & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 U.S.C. * 1341	Mail Fraud	10/31/1996	I
18 U.S.C. * 1343	Wire Fraud	10/31/1996	II

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
- ☐ Count(s) _____ (is)(are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 586-21-7926Defendant's Date of Birth: 10/12/1962Defendant's USM No.: 00151-005

Defendant's Residence Address:

1 Deena Nathsen RoadO. Basail P.S.Isirathi Khan MonshigonjBangladesh

Defendant's Mailing Address:

1 Deena Nathsen RoadO. Basail P.S.Isirathi Khan MonshigonjBangladesh

06/26/1997

Date of Imposition of Judgment

Signature of Judicial Officer

Honorable Marty W. K. Taylor

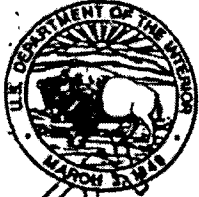
Designated Judge

Name & Title of Judicial Officer

JUN 26 1997

Date

EXHIBIT



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

JUL 8 1998

Mr. Md. Kamal Hossain
PIC, HSKP Dept.
P.O. Box 2370
Saipan, MP 96950

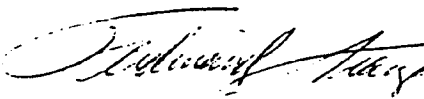
Dear Mr. Hossain:

Thank you for your letter of June 24, 1998, requesting protection for your family in Bangladesh. The Department of the Interior is not a law enforcement agency and, thus, is unable to investigate cases or provide protection.

In response, I have forwarded your letter to the Office of the Deputy Attorney General in the U.S. Department of Justice and have asked them to follow-up on your request for protection of your family. In addition, I have alerted the Bureau of South Asian Affairs at the State Department of your situation.

If you should need additional information or have questions, please contact our Field Representative in Saipan, Mr. Jeff Schorr, at 670-234-8861.

Sincerely,


Allen P. Stayman
Director
Office of Insular Affairs

EXHIBIT

"2"



COPY

United States Attorney
District of the Northern Mariana Islands

P.O. Box 377

(670) 234-9133

Saipan, MP 96950-0377

FAX (670) 233-7833

Thursday, 17 December 1998

gregory.baka@usdoj.gov

Mr. Kamal Hossain
c/o Housekeeping Department
Pacific Islands Club
P. O. Box 2370
Saipan, MP 96950-2370

Dear Mr. Hossain:

I have been asked to prepare a written response to your letter to Department of the Interior's Director of the Office of Insular Affairs, Allen P. Stayman.

You served as a trial witness against the defendant in the mail and wire fraud case of United States v. Akm. Alamgir Kasem, Crim. No. 96-00037 (D.N.M.I. sentenced June 26, 1997). In a related case, another defendant pleaded guilty to a one count information for retaliating against a testifying witness on 10 May 1997. See United States v. Abdur Rahim, Crim. No. 97-00026 (D.N.M.I. sentenced Dec. 4, 1997). As you know, you have met with me and Special Agent Steven K. Stokes of the Federal Bureau of Investigation on several occasions to discuss your request that the government relocate you, and your family in Bangladesh, to the United States because of alleged death threats received as a result of your cooperation in the Kasem case.

Although the matter is still under review, we continue to encourage you to provide any further information substantiating the alleged threats against your family and showing that a criminal organization or enterprise is responsible for the threats. Beyond this, we are precluded by legal and ethical considerations from commenting further on this matter because of its pending nature.

Please be assured of our commitment to full and fair consideration of your safety concerns. If you have any further information which might be of assistance, please provide that information to Special Agent Steven K. Stokes, Federal Bureau of Investigation, P.O. Box 2030, Saipan, MP 96950-2030.

Please also provide FBI Special Agent Steven K. Stokes with your current contact information.

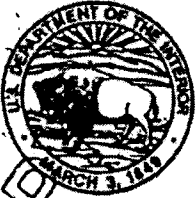
Very truly yours,

Gregory Baka

Gregory Baka
Assistant U. S. Attorney

cc: FBI SA Steven K. Stokes
ADAG Jonathan D. Schwartz

EXHIBIT "3"



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

MAR 22 1999

Mr. Md. Kamal Hossain
PIC, HSKP Dept.
P.O. Box 2370
Saipan, MP 96950

Dear Mr. Hossain:

We have referred your letter of February 22, 1999, to the Departments of State and Justice for appropriate action. Unfortunately, our Department is unable to assist you any further since we do not have law enforcement capability.

The ombudsman's office will be open in Saipan soon. Hopefully, this office will be a means to help workers such as yourself.

Sincerely,

Allen P. Stayman
Director
Office of Insular Affairs

EXHIBIT "4"



U.S. Department of Justice

Office of the Associate Deputy Attorney General

Associate Deputy Attorney General

Washington, D.C. 20530

November 8, 1999

Mr. Md. Kamal Hossain
Pic, Hskp, Dept.
PO Box 502370
Saipan, MP 96950

Dear Mr. Hossain:

Thank you for your recent letter. I have sent it to Mr. Frederick Black, the United States Attorney for the Commonwealth of the Northern Mariana Islands, with the request that he respond directly to you. Mr. Black is the Chief Federal law enforcement officer in the CNMI and will be best able to assist you.

Sincerely,

Nicholas M. Gess
Associate Deputy Attorney General

EXHIBIT "5"

United States Attorney

District of the Northern Mariana Islands

Hand Delivered

Tuesday, 23 November 1999

Mr. Kamal Hossain
c/o Housekeeping Department
Pacific Islands Club
P. O. Box 502370
Saipan, MP 96950-2370

Sixth Floor, Tiauru Bldg.
P.O. Box 377 500377
Saipan, CM 96950
Saipan, MP 96950-0377

(670) 236-2986
Overseas Operator
(670) 234-9133
FAX (670) 236-2945
gregory.baka@usdoj.gov

Re: Moving your family within Bangladesh

Dear Mr. Hossain:

This is in response to your letter of 25 October 1999 to Associate Deputy Attorney General Nicholas M. Gess. In your letter you seek "protection" for your wife and child in Bangladesh due to the deportation of a federal inmate, against whom you testified in a mail and wire fraud case. United States v. Akm. Alamgir Kasem, Crim. No. 96-00037 (D.N.M.I. verdict Apr. 2, sentenced June 26, 1997) (41 months imprisonment).

For over two years now, you have been working at the Pacific Islands Club—a major resort hotel on Saipan—employment that was arranged through the FBI. During 1998 and 1999 you have met numerous times with FBI agents and with myself concerning alleged ongoing threats in Dhaka to your family. As of this time you have not provided the FBI with any substantiation of these threats, other than letters from your wife. You have apparently disregarded their advice to report the incidents to the police in Bangladesh, to provide copies of such official reports to the FBI, and to relocate your family within Bangladesh if necessary.

If you do have additional official corroboration, please furnish it to us. As you are aware, the Islamic Republic of Bangladesh is a sovereign nation with its own law enforcement. Based upon the evidence you have provided so far, the United States has no jurisdiction over the offenses you allege.

Very truly yours,

FREDERICK A. BLACK
United States Attorney

Gregory Baka
GREGORY BAKA
Assistant United States Attorney

n:\... \gbaka\criminal\cases\immign\hossain\hossain2.ltr

EXHIBIT "6"